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Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP.

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-2880

**PLAINTIFF FEDERAL TRADE
COMMISSION'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-cv-2880

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff, the Federal Trade Commission, respectfully submits this Administrative Motion to Consider Whether Another Party's Material Should be Sealed in connection with the documents filed in support of Plaintiff's Notice of Intent to Oppose Defendants' Motion for Expedited Case Management Conference.

Exhibits A and B to Plaintiff's Notice of Intent to Oppose contain information obtained from Defendants' Microsoft Corporation ("Microsoft") and Activision Blizzard, Inc. ("Activision") designated certain of this information as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as confidential information that was obtained during the course of litigation discovery in In the matter of Microsoft Corp. and Activision, Blizzard, Inc., before the United States of America Federal Trade Commission Office of Administrative Law Judges, Docket No. 9412, and that the producing party designated as Confidential pursuant to the Protective Order Governing Confidential Material entered on December 9, 2022 ("Administrative Protective Order"). Accordingly, Plaintiff seeks to file under seal:

Document	Portions to Be Filed Under Seal	Designating Party
Exhibit A	Entire Document	Microsoft and Activision
Exhibit B	Entire Document	Microsoft and Activision

Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, "has been designated as confidential by another party or non-party." L.R. 79-5(f). Plaintiff has sealed the above-referenced exhibits filed in support of Plaintiff's Notice of Intent to Oppose because Microsoft and Activision has

designated the information contained therein as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant to the Administrative Proceeding Protective Order. Plaintiff takes no position on the merits of sealing Microsoft's and Activision's designated material.

In compliance with Civil Local Rule 79-5(d), unsealed versions of Exhibits A and B therefor accompany this Administrative Motion. In accordance with Local Rule 7-11, Plaintiff has also filed a Proposed Order herewith.

Date: June 14, 2023

Respectfully Submitted,

/s/ James H. Weingarten

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